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I. Introduction

1. The present report of the International Tribunal for the Law of the Sea is submitted to the Meeting of States Parties under rule 6, paragraph 3 (d), of the Rules of Procedure for Meetings of States Parties and covers the period from 1 January to 31 December 2009.

2. The Tribunal was established by the 1982 United Nations Convention on the Law of the Sea (hereinafter "the Convention"). It functions in accordance with the relevant provisions of Part XV and Part XI of the Convention, the Statute of the Tribunal ("the Statute"), as contained in Annex VI to the Convention, and the Rules of the Tribunal ("the Rules").

3. The Tribunal is composed of 21 members, elected by the States Parties to the Convention in the manner provided for by article 4 of the Statute.

4. On 12 November 2008, Judge Choon-Ho Park (Republic of Korea) passed away. On 6 March 2009, at a Special Meeting of States Parties, an election was held to fill the vacancy created. Jin-Hyun Paik (Republic of Korea) was elected for the remainder of his predecessor's term (until 30 September 2014). As at 31 December 2009, the composition of the Tribunal was as follows:

Order of precedence	*Country*	*Date of expiry of term of office*
President		
José Luis Jesus	Cape Verde	30 September 2017
Vice-President		
Helmut Türk	Austria	30 September 2014
Judges		
Hugo Caminos	Argentina	30 September 2011
Vicente Marotta Rangel	Brazil	30 September 2017
Alexander Yankov	Bulgaria	30 September 2011
L. Dolliver M. Nelson	Grenada	30 September 2014
P. Chandrasekhara Rao	India	30 September 2017
Joseph Akl	Lebanon	30 September 2017
Rüdiger Wolfrum	Germany	30 September 2017
Tullio Treves	Italy	30 September 2011
Tafsir Malick Ndiaye	Senegal	30 September 2011
Jean-Pierre Cot	France	30 September 2011
Anthony Amos Lucky	Trinidad and Tobago	30 September 2011
Stanislaw Pawlak	Poland	30 September 2014

Order of precedence	*Country*	*Date of expiry of term of office*
Shunji Yanai	Japan	30 September 2014
James Kateka	United Republic of Tanzania	30 September 2014
Albert Hoffmann	South Africa	30 September 2014
Zhiguo Gao	China	30 September 2011
Boualem Bouguetaia	Algeria	30 September 2017
Vladimir Vladimirovich Golitsyn	Russian Federation	30 September 2017
Jin-Hyun Paik	Republic of Korea	30 September 2014

5. The Registrar is Philippe Gautier (Belgium) and the Deputy Registrar is Doo-young Kim (Republic of Korea).

II. Organization of the Tribunal

A. Changes in the composition of the Tribunal

6. Acting pursuant to article 6, paragraph 1, of the Statute, the Registrar in a note verbale dated 20 November 2008 informed States parties of the vacancy which had occurred in the Tribunal as a result of the death of Judge Choon-Ho Park, and invited Governments of States parties to submit to him between 28 November 2008 and 27 January 2009 the names of candidates they might wish to nominate to fill the vacant seat.

7. By a note verbale dated 22 December 2008, the Registrar informed States parties that the election to fill the vacancy which had arisen as a result of the death of Judge Choon-Ho Park would be held on 6 March 2009 at a Special Meeting of States Parties. Pursuant to article 4, paragraph 2, of the Statute, a list of candidates nominated by the States parties was prepared by the Registrar and submitted to the States parties (see SPLOS/186).

8. On 6 March 2009, at a Special Meeting of States Parties, Jin-Hyun Paik was elected as a member of the Tribunal for the remainder of his predecessor's term, i.e., until 30 September 2014.

B. Solemn declaration

9. Pursuant to article 11 of the Statute, every member of the Tribunal is required, before taking up his duties, to make a solemn declaration that he will exercise his powers impartially and conscientiously. The declaration is to be made at the first public sitting at which the member is present.

10. The solemn declaration provided for in article 5 of the Rules was made by Judge Jin-Hyun Paik at a public sitting of the Tribunal on 16 March 2009.

III. Chambers

A. Seabed Disputes Chamber

11. In accordance with article 35, paragraph 1, of the Statute, the Seabed Disputes Chamber consists of 11 judges selected by the Tribunal from among its elected members. The members of the Chamber are selected triennially.

12. During the twenty-sixth session, on 2 October 2008, the Tribunal selected the members of the Seabed Disputes Chamber. As required by the Statute, the judges of the Chamber were selected in such a manner as to ensure the representation of the principal legal systems of the world and equitable geographical distribution. The members of the Chamber entered upon their duties forthwith and elected Judge Treves as President of the Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Treves, President; Judges Marotta Rangel, Nelson, Chandrasekhara Rao, Wolfrum, Yanai, Kateka, Hoffmann, Gao, Bouguetaia and Golitsyn, members.

13. The terms of office of the members of the Chamber expire on 30 September 2011.

B. Special chambers

1. Chamber of Summary Procedure

14. The Chamber of Summary Procedure is established in accordance with article 15, paragraph 3, of the Statute and consists of five members and two alternates. In accordance with article 28 of the Rules, the President and the Vice-President of the Tribunal are ex officio members of the Chamber, with the President of the Tribunal serving as President of the Chamber. The Chamber is constituted annually.

15. During the twenty-eighth session of the Tribunal, on 29 September 2009, the Chamber was constituted for the period from 1 October 2009 to 30 September 2010. The members of the Chamber, in order of precedence, are as follows: Judge Jesus, President; Vice-President Türk and Judges Yankov, Ndiaye and Lucky, members; Judges Treves and Yanai, alternates.

2. Chamber for Fisheries Disputes

16. The Chamber for Fisheries Disputes, established in accordance with article 15, paragraph 1, of the Statute, consists of seven members.

17. During its twenty-sixth session, on 2 October 2008, the Tribunal selected the members of the Chamber for a three-year term. In 2008, a vacancy occurred in the Chamber owing to the death of Judge Choon-Ho Park. Pursuant to article 35, paragraph 6, of the Statute, if a vacancy occurs in the Chamber, the Tribunal shall select a successor from among its elected members, who shall hold office for the remainder of his predecessor's term. At its twenty-eighth session, the Tribunal thus selected Judge Paik. Taking this change into account, the composition of the Chamber, in order of precedence, is as follows: Judge Caminos, President; Judges Treves, Pawlak, Yanai, Kateka, Hoffmann, Gao and Paik, members.

18. The terms of office of the members of the Chamber expire on 30 September 2011.

3. Chamber for Marine Environment Disputes

19. The Chamber for Marine Environment Disputes, established in accordance with article 15, paragraph 1, of the Statute, consists of seven members. During the twenty-sixth session, on 2 October 2008, the Tribunal selected the members of the Chamber for Marine Environment Disputes for a three-year term. The composition of the Chamber, in order of precedence, is as follows: Judge Cot, President; Judges Marotta Rangel, Wolfrum, Lucky, Kateka, Gao and Golitsyn, members.

20. The terms of office of the members of the Chamber expire on 30 September 2011.

4. Chamber for Maritime Delimitation Disputes

21. On 16 March 2007, the Tribunal established the Chamber for Maritime Delimitation Disputes in accordance with article 15, paragraph 1, of the Statute.

22. During the twenty-seventh session, the Tribunal selected Judge Paik as a member of the Chamber. Taking this change into account, the composition of the Chamber, in order of precedence, is as follows: Judge Jesus, President; Judges Nelson, Chandrasekhara Rao, Akl, Ndiaye, Cot, Pawlak, Yanai, Bouguetaia and Paik, members.

23. The terms of office of the members of the Chamber expire on 30 September 2011.

5. Chamber under article 15, paragraph 2, of the Statute

24. Pursuant to article 15, paragraph 2, of the Statute, the Tribunal shall form a chamber for dealing with a particular dispute, if the parties so request. The composition of such a chamber is determined by the Tribunal with the approval of the parties in the manner provided for in article 30 of the Rules.

25. By Order dated 20 December 2000, the Tribunal formed a Special Chamber of five judges to deal with a dispute between Chile and the European Community concerning the conservation and sustainable exploitation of swordfish stocks in the South-Eastern Pacific Ocean.

26. The composition of the Special Chamber to deal with the case was as follows: Judge Chandrasekhara Rao, President; Judges Caminos, Yankov and Wolfrum and Judge ad hoc Orrego Vicuña, members.

IV. Meetings of the Tribunal

27. The Tribunal held two sessions devoted to legal and judicial matters as well as organizational and administrative matters: the twenty-seventh session of the Tribunal was held from 9 to 20 March 2009 and the twenty-eighth session from 21 September to 2 October 2009.

28. The Special Chamber formed to deal with a dispute between Chile and the European Union concerning the conservation and sustainable exploitation of

swordfish stocks in the South-Eastern Pacific Ocean met on 15 and 16 December 2009. On 16 December 2009, the Chamber adopted an Order removing the case from the Tribunal's list.

V. Request from Bangladesh to the President of the Tribunal to appoint arbitrators pursuant to article 3 of annex VII to the United Nations Convention on the Law of the Sea

29. In a letter dated 13 December 2009, the Minister of Foreign Affairs of Bangladesh requested the President of the Tribunal to appoint three arbitrators in the arbitral proceedings instituted under annex VII to the Convention for the settlement of the dispute concerning the delimitation of the maritime boundary between Bangladesh and India in the Bay of Bengal.

30. In accordance with article 3 of annex VII, if the parties have been unable to agree on the appointment of one or more members of the Tribunal to be designated by common agreement, or on the designation of the President, the President of the Tribunal shall make the necessary appointment(s) at the request of any party to the dispute and in consultation with the parties.

VI. Judicial work of the Tribunal

A. *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Union)*

31. Following an agreement between Chile and the European Community, the Tribunal, by Order dated 20 December 2000, formed a Special Chamber to deal with a dispute between Chile and the European Community concerning the conservation and sustainable exploitation of swordfish stocks. By the same Order, the Tribunal fixed the time limits for the filing of preliminary objections and of the written pleadings.

32. On 9 March 2001, the parties informed the President of the Special Chamber that they had reached a provisional arrangement concerning the dispute and requested that the proceedings before the Chamber be suspended. By Order of 15 March 2001, the President of the Special Chamber extended the time limit of 90 days for the making of preliminary objections so that it would commence from 1 January 2004. In 2003, the parties renewed their request to suspend proceedings. By Order of 16 December 2003, the President of the Special Chamber extended the time limit fixed for the submission of preliminary objections to 1 January 2006.

33. Further to new requests from the parties, by Orders of 29 December 2005 and 30 November 2007, the Special Chamber extended the time limits for making preliminary objections such that they commenced from 1 January 2008 and 1 January 2009, respectively.

34. By letters dated 20 October 2008 and 23 October 2008, respectively, the European Community and Chile informed the Special Chamber that they had agreed on a draft text of a new "Understanding Concerning the Conservation of Swordfish

Stocks in the South-Eastern Pacific Ocean". On that basis, the parties requested that the time limits for the proceedings before the Special Chamber continue to be suspended for at least one further year starting from 1 January 2009. Further to the request of the parties, by Order dated 11 December 2008, the Special Chamber extended the time limit for making preliminary objections until 1 January 2010 and maintained the rights of the parties to revive the proceedings at any time.

35. The European Community, by a letter dated 13 October 2009, and Chile, by an e-mail of 25 November 2009, informed the Special Chamber that the parties had held bilateral consultations on 5 and 6 October 2009 and had agreed to report to the Special Chamber the following:

> Both the European Community and Chile are committed to the signature, ratification or approval, and implementation of and compliance with the Understanding agreed between negotiators for both Parties on 16 October 2008. As a consequence, in accordance with the provisions of the said Understanding, Parties will not seek a further extension of the suspension of the Proceedings of Case No. 7, but will request the Special Chamber to issue an order for discontinuance of the case. The Parties are ready to provide the Special Chamber with further particulars on the occasion of the forthcoming consultations between the President of the Special Chamber and the Agents of the Parties.

In response to a request made by the Special Chamber on 30 November 2009, the agents of the parties provided additional information in a joint communication dated 15 December 2009. The European Community and Chile informed the Special Chamber that they are committed to the signature, ratification or approval and implementation of, and compliance with, the new understanding agreed between negotiators for both parties on 16 October 2008. The terms of the settlement agreed between negotiators comprise the following elements:

(a) A more structured framework of fisheries cooperation to replace and transform the 2001 bilateral provisional arrangement into a definitive commitment to cooperate for the long-term conservation and management of the swordfish stocks in the South-Eastern Pacific;

(b) Conducting their respective swordfish fisheries to catch levels commensurate with the objective of ensuring the sustainability of these resources as well as safeguarding the marine ecosystem;

(c) Freezing of the fishing effort by both parties at the 2008 level or at the maximum historical peak;

(d) Establishment of a bilateral scientific and technical committee with the following tasks: exchange of information and data on catch and fishing effort, as well as on stock status; providing scientifically based advice to fisheries stocks managers to assist them in ensuring the sustainability of the fishing activities of both parties; advising parties on the adoption of further conservation measures if needed;

(e) The multilateral consultation currently in place should include all the relevant participants in the South-Eastern Pacific Ocean swordfish fishery and invited observers from existing organizations with a legitimate interest in the swordfish fishery;

(f) Agreement that European Community vessels fishing for swordfish in the high seas in accordance with the objectives contained in the new understanding shall be granted access to designated Chilean ports for landings, trans-shipments, replenishing or repairs. As a consequence, in accordance with the provisions of the said understanding, parties request that the Special Chamber issue an Order for discontinuance of Case No. 7 (*Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Community)*).

36. The European Commission, by its letter dated 7 December 2009, informed the President of the Special Chamber that since the entry into force on 1 December 2009 of the Treaty of Lisbon amending the Treaty establishing the European Union and the Treaty establishing the European Community, the European Union had replaced and succeeded the European Community and that consequently from 1 December 2009 the European Union had begun to exercise all rights and to assume all obligations of the European Community. The Agent of Chile expressed no objection to treating the European Union as a party to the case in place of the European Community.

37. The Special Chamber met on 15 and 16 December 2009 in order to consider the request. Following deliberation, the Chamber, at a sitting held on 16 December 2009, adopted an Order by means of which it placed on record the discontinuance, by agreement of the parties, of the proceedings initiated on 20 December 2000 by Chile and the European Union, and ordered that the case be removed from the list of cases.

B. *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*

38. On 14 December 2009, proceedings were instituted before the Tribunal in relation to the delimitation of the maritime boundary in the Bay of Bengal between Bangladesh and Myanmar. It may be recalled that the dispute between the two countries had initially been submitted to an arbitral tribunal to be constituted under annex VII to the Convention, through a notification dated 8 October 2009, made by Bangladesh to Myanmar.

39. In a letter dated 13 December 2009 addressed to the President of the Tribunal, the Minister for Foreign Affairs of Bangladesh referred to the declaration issued by Myanmar on 4 November 2009 by which Myanmar "accepts the jurisdiction of the International Tribunal for the Law of the Sea for the settlement of dispute between the Union of Myanmar and the People's Republic of Bangladesh relating to the delimitation of maritime boundary between the two countries in the Bay of Bengal" and transmitted to the Tribunal a declaration by Bangladesh dated 12 December 2009 by which Bangladesh "accepts the jurisdiction of the International Tribunal for the Law of the Sea for the settlement of the dispute between the People's Republic of Bangladesh and the Union of Myanmar relating to the delimitation of their maritime boundary in the Bay of Bengal".

40. On the basis of these declarations, the Minister for Foreign Affairs of Bangladesh, in her letter dated 13 December 2009, stated that "[g]iven Bangladesh's

and Myanmar's mutual consent to the jurisdiction of the International Tribunal for the Law of the Sea, and in accordance with the provisions of article 287 (4) of the United Nations Convention on the Law of the Sea, Bangladesh considers that your distinguished Tribunal is now the only forum for the resolution of the parties' dispute". In her letter, the Minister for Foreign Affairs of Bangladesh further stated that "Bangladesh respectfully invites the International Tribunal for the Law of the Sea to exercise jurisdiction over the maritime boundary dispute between Bangladesh and Myanmar, which is the subject of Bangladesh's 8 October 2009 statement of claim".

41. In the light of the agreement of the parties, as expressed through their respective declarations, to submit to the Tribunal their dispute relating to the delimitation of their maritime boundary in the Bay of Bengal, and taking into account the invitation addressed to the Tribunal by Bangladesh "to exercise jurisdiction" over said dispute, the case has been entered in the list of cases of the Tribunal as case No. 16.

VII. Legal matters

42. During the period under review, the Tribunal devoted part of its two sessions to the consideration of legal and judicial matters. In this respect, the Tribunal examined various legal issues of relevance to its jurisdiction, Rules and judicial procedures. It also exchanged views on recent developments concerning law of the sea matters. This review was undertaken both by the Tribunal and by its chambers. Some of the main issues which were considered are addressed below.

A. Rules of the Tribunal

1. Bonds and other financial security

43. During the twenty-seventh session, the Tribunal continued its consideration, on the basis of an information paper prepared by the Registry, of revised draft guidelines concerning the posting of a bond or other financial security with the Tribunal in prompt release proceedings. On 17 March 2009, amendments to articles 113, paragraph 3, and 114, paragraphs 1 and 3, of the Rules were adopted. Pursuant to the amendments, the Tribunal is able to determine in each case concerning the prompt release of vessels or crews whether the bond or other financial security should be posted with the detaining State or with the Registrar. Prior to these amendments, article 113, paragraph 3, of the Rules provided that the bond or other financial security should be posted with the detaining State unless the parties decided otherwise. The purpose of these amendments is to facilitate the implementation of the Tribunal's decisions in prompt release proceedings.

2. Matters relating to article 292 of the Convention

44. During the twenty-seventh and twenty-eighth sessions, the Tribunal continued its consideration, on the basis of a document prepared by the Registry, of the question of the submission of applications for the prompt release of vessels and crews under article 292 of the Convention. The discussion focused on articles 220 and 226 of the Convention which provide for the release of the vessel upon the

posting of a bond when the vessel has been detained for alleged pollution offences (see article 220, paragraphs 6 and 7, and article 226, paragraph 1 (b) and (c) of the Convention).

3. Matters relating to the jurisdiction of the Tribunal

45. During the twenty-eighth session, on the basis of a document prepared by the Registry, the Tribunal considered questions concerning the jurisdiction of the Tribunal and the interpretation of article 20 of the Statute, article 287 of the Convention, and article 138 of the Rules.

B. Chambers

1. Matters relating to the Seabed Disputes Chamber

46. During the period under review, the Seabed Disputes Chamber considered an information paper prepared by the Registry concerning developments in the work of the International Seabed Authority and of the Commission on the Limits of the Continental Shelf. On 23 September 2009, on the occasion of a visit to the Tribunal, Nii Odunton, the Secretary-General of the International Seabed Authority, accompanied by Michael Lodge, Legal Counsel of the Authority, was received by the members of the Chamber for a working session.

2. Matters relating to the Chamber for Fisheries Disputes

47. During the period under review, the Chamber for Fisheries Disputes considered an information paper prepared by the Registry concerning the practice of regional fisheries management organizations in combating illegal, unreported and unregulated fishing and the Food and Agriculture Organization of the United Nations Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

3. Matters relating to the Chamber for Marine Environment Disputes

48. During the period under review, the Chamber for Marine Environment Disputes considered an information paper prepared by the Registry concerning the legal status of certain maritime areas: particular areas, special areas, specially protected areas/zones and ecological protection zones.

4. Matters relating to the Chamber for Maritime Delimitation Disputes

49. During the period under review, the Chamber considered a document prepared by the Registry concerning recent judicial and arbitral decisions in maritime delimitation cases.

C. Recent developments in law of the sea matters

1. General information concerning law of the sea matters

50. During the twenty-seventh and twenty-eighth sessions, the Tribunal considered information prepared by the Registry and concerning recent developments in law of

the sea matters. Some of the main issues which were considered are addressed below.

2. Declarations made under articles 287 and 298 of the Convention

51. During the period under review, the Tribunal took note of the information presented by the Registry concerning the status of declarations made under articles 287 and 298 of the Convention. The Tribunal also took note of the information presented by the Registry regarding dispute-settlement clauses in international legal instruments relating to the law of the sea.

3. Piracy and other acts of violence carried out at sea

52. During its twenty-eighth session, the Tribunal considered an information paper prepared by the Registry concerning piracy and other acts of violence committed at sea.

4. Legal issues relating to pipelines and submarine cables

53. During the twenty-seventh and twenty-eighth sessions, the Tribunal examined information papers prepared by the Registry on legal matters relating to pipelines and submarine cables. Consideration was given to the international pipeline regime, including the applicable provisions of the Convention, international practice and environmental aspects.

5. Maritime transport of dangerous goods and hazardous waste

54. During the twenty-eighth session, the Tribunal considered an information paper prepared by the Registry relating to the maritime transport of dangerous goods and hazardous waste.

VIII. Committees

55. During its twenty-eighth session, on 1 October 2009, the Tribunal reconstituted its committees for the period ending 30 September 2010.[1]

A. Committee on Budget and Finance

56. The members of the Committee on Budget and Finance selected on 1 October 2009 are as follows: Judge Yanai, Chairman; Judges Akl, Treves, Cot, Lucky, Hoffmann, Bouguetaia and Golitsyn, members.

B. Committee on Rules and Judicial Practice

57. The members of the Committee on Rules and Judicial Practice selected on 1 October 2009 are as follows: President Jesus, Chairman; Vice-President Türk and Judges Caminos, Marotta Rangel, Yankov, Nelson, Chandrasekhara Rao, Wolfrum, Treves (ex officio member), Ndiaye, Cot, Yanai and Kateka, members.

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[1] For the terms of reference of the committees, see SPLOS/27, paras. 27-40 and SPLOS/50, paras. 36 and 37.

C. Committee on Staff and Administration

58. The members of the Committee on Staff and Administration selected on 1 October 2009 are as follows: Judge Hoffmann, Chairman; Judges Caminos, Wolfrum, Treves, Kateka, Gao, Golitsyn and Paik, members.

D. Committee on Library, Archives and Publications

59. The members of the Committee on Library, Archives and Publications selected on 1 October 2009 are as follows: Judge Cot, Chairman; Judges Caminos, Marotta Rangel, Nelson, Akl, Wolfrum, Ndiaye and Pawlak, members.

E. Committee on Buildings and Electronic Systems

60. The members of the Committee on Buildings and Electronic Systems selected on 1 October 2009 are as follows: Judge Pawlak, Chairman; Judges Wolfrum, Lucky, Yanai, Gao and Paik, members.

F. Committee on Public Relations

61. The members of the Committee on Public Relations selected on 1 October 2009 are as follows: Judge Lucky, Chairman; Judges Caminos, Yankov, Chandrasekhara Rao, Treves, Kateka, Bouguetaia and Paik, members.

IX. Privileges and immunities

A. General Agreement

62. The Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea, adopted by the seventh Meeting of States Parties on 23 May 1997, was deposited with the Secretary-General of the United Nations and opened for signature at United Nations Headquarters for 24 months as from 1 July 1997 (SPLOS/24, para. 27). The Agreement entered into force on 30 December 2001, 30 days after the date of deposit of the tenth instrument of ratification or accession. At the closing date for signature, 21 States had signed the Agreement. As at 31 December 2009, 38 States had ratified or acceded to it.

B. Headquarters Agreement

63. The Headquarters Agreement between the Tribunal and the Government of Germany was signed on 14 December 2004 by the President of the Tribunal and the State Secretary of the Federal Foreign Office of Germany. This Agreement entered into force on 1 May 2007. The instrument defines the legal status of the Tribunal in Germany and regulates the relations between the Tribunal and the host country. It contains provisions on matters such as the law applicable to the headquarters district, the immunity of the Tribunal, its property, assets and funds, and the privileges, immunities and exemptions accorded to the members of the Tribunal and

its officials, as well as to agents representing parties, counsel and advocates, and witnesses and experts who are required to appear before the Tribunal.

X. Relations with the United Nations

A. Observer status in the General Assembly

64. At the 64th plenary meeting of the General Assembly, on 4 December 2009, the President of the Tribunal delivered a statement under agenda item 76, entitled "Oceans and the law of the sea".[2] In his statement, the President reported to the General Assembly on the developments which had taken place with respect to the Tribunal since the last session of the Assembly, and also made general comments on the jurisdiction and work of the Tribunal. He recalled the efforts made through regional workshops to promote knowledge about the Convention and its dispute settlement mechanism. As concerns the competence of the Tribunal to hear any dispute related to the interpretation or application of the Convention, the President noted that an increasing number of international agreements relating to various matters (marine fisheries, protection and preservation of the marine environment, conservation of marine resources and underwater cultural heritage) make reference to the Tribunal as a forum for the settlement of disputes. He also noted that provisions conferring jurisdiction on the Tribunal had also been included in bilateral agreements.

B. Relationship Agreement with the United Nations

65. The Registrar reported to the Tribunal, at its twenty-seventh and twenty-eighth sessions, on developments regarding the implementation of the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea.

XI. Relations with other entities and bodies

66. During the period under review, the President addressed the members of the International Law Commission on the occasion of the Gilberto Amado Memorial Lecture held on 15 July 2009 in Geneva. On 18 August 2009, a workshop organized jointly by the Tribunal, the Government of Malaysia and the Asian-African Legal Consultative Organization (AALCO) was held during the forty-eighth session of AALCO, which took place in Putrajaya (Malaysia) from 17 to 20 August 2009. During the meeting the President gave a presentation on the role of the Tribunal as regards piracy, Judge Yanai gave a presentation on the role of the Tribunal in maritime delimitation boundaries and the Registrar gave a presentation on how to submit a case before the Tribunal.

67. On 2 September 2009, the President gave a statement to the Conference of Ministers of the Latin American Organization for Fisheries Development in La Paz.

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[2] The text of the statements is available on the Tribunal's website: www.itlos.org or www.tidm.org.

XII. Premises of the Tribunal

68. The terms and conditions under which the premises are made available to the Tribunal by Germany are established in the Agreement of 18 October 2000 between the International Tribunal for the Law of the Sea and the Government of the Federal Republic of Germany on the Occupancy and Use of the Premises of the International Tribunal for the Law of the Sea in the Free and Hanseatic City of Hamburg.

69. During the period under review, the Registry has, in cooperation with the Federal Building Authorities, made several improvements to the Tribunal's equipment, in particular as concerns the acoustics in the courtroom, the installation of a cooling system in the east wing of the building, and the installation of solar panels.

XIII. Finances

A. Budgetary matters

1. Budget of the Tribunal for 2011-2012

70. During the twenty-eighth session of the Tribunal, the Committee on Budget and Finance gave preliminary consideration to the budget of the Tribunal for the financial period 2011-2012 on the basis of draft proposals submitted by the Registrar. The recommendations made by the Committee on this matter have been approved by the Tribunal.

2. Report on budgetary matters for the financial period 2007-2008

71. At its twenty-seventh session, the Tribunal considered the report presented by the Registrar on budgetary matters for the financial period 2007-2008. The report, which was submitted to the nineteenth Meeting of States Parties for its consideration (see SPLOS/193), includes the following: budget performance for 2007; report on action taken pursuant to the decisions on budgetary matters taken by the sixteenth, seventeenth and eighteenth Meetings of States Parties (surrender of savings from the financial periods 2002 and 2004 and from the supplementary budget during 2005-2006; surrender of cash surplus from the financial period 2005-2006; and overexpenditures in 2007-2008); and report on action taken pursuant to the Financial Regulations of the Tribunal (Tribunal's investments, Korea International Cooperation Agency trust fund and Nippon Foundation trust fund).

3. Cash flow situation

72. At its twenty-seventh and twenty-eighth sessions, the Tribunal took note of the information presented by the Registrar concerning the cash flow situation of the Tribunal.

B. Status of contributions

73. As at 31 December 2009, 116 States parties had made contributions to the year 2009 of the 2009-2010 budget, totalling €8,594,816, while 44 States parties had not made any payments with respect to their assessed contributions for 2009. The

balance of unpaid contributions with respect to the first year of the 2009-2010 budget was €162,734.

74. Furthermore, assessed contributions amounting to €311,175 in respect of the Tribunal's budgets for the financial periods from 1996 to 2008 were still pending as at 31 December 2009.

75. The balance of unpaid contributions with respect to the overall budget of the Tribunal amounted to €473,909 as at 31 December 2009. In July 2009, the Registrar sent the States parties concerned notes verbales containing information about their assessed contributions for the second year of the 2009-2010 budget and outstanding contributions to the previous budgets of the Tribunal. In December 2009, the Registrar sent notes verbales to the States parties concerned, reminding them of their outstanding contributions to the budgets of the Tribunal.

C. Financial Regulations and Rules

76. The Financial Regulations of the Tribunal, adopted by the thirteenth Meeting of States Parties on 12 June 2003, became effective on 1 January 2004.

77. Pursuant to Financial Regulation 10.1(a), the Registrar prepared detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy. The Tribunal, at its seventeenth session, approved the financial rules, which had been reviewed by the Committee on Budget and Finance. The fourteenth Meeting of States Parties took note of the Financial Rules of the Tribunal, which became effective on 1 January 2005. The Financial Regulations and Rules are reproduced in document SPLOS/120.

D. Conditions of service and compensation for members of the Tribunal

78. During the period under review, the Committee on Budget and Finance gave consideration, on the basis of documents prepared by the Registry, to the entitlements of the members of the Tribunal. The Committee also examined the new salary system for judges at the International Court of Justice, and other courts and tribunals in the United Nations system, which was established on the basis of General Assembly decision 62/547 adopted on 3 April 2008. On the basis of the Committee's recommendations, the Tribunal requested that a draft decision on the matter be submitted to the nineteenth Meeting of States Parties. The Committee also recommended that the Tribunal propose to the Meeting of States Parties that it be authorized to use part of the cash surplus from the 2007-2008 budget to finance an additional appropriation to implement the new salary system for judges of the Tribunal for the period from January 2009 to December 2010. Finally, the Committee recommended that the Tribunal submit a draft decision to the nineteenth Meeting of States Parties concerning the pension of the members of the Tribunal under the new salary system. After considering the matter, the Meeting, on 26 June 2009, adopted a decision (SPLOS/200) concerning the adjustment of the remuneration of the members of the Tribunal and of their pension.

79. At its twenty-eighth session, the Tribunal amended the Pension Scheme Regulations for its members (SPLOS/47, annex). This amendment will be submitted to the twentieth Meeting of States Parties in 2010, as requested by the nineteenth

Meeting of States Parties (see SPLOS/200). Under the terms of the amendment, the following changes are made to article 1, paragraph 2:

(a) At the end of subparagraph (a), after the expression "one half of the annual salary", insert "(excluding post adjustment) or one half of the annual salary based upon the level of the remuneration decided by the fifteenth Meeting of States Parties in June 2005, whichever amount is higher";

(b) A new subparagraph (b) is inserted, which reads as follows: "If the member has served for more than nine years, he/she shall receive one three-hundredth of his or her retirement benefit for each further month beyond nine years, up to a maximum pension of two thirds of the amount of the annual net base salary (excluding post adjustment)";

(c) The current subparagraph (b) is renumbered as subparagraph (c).

E. Appointment of the auditor for 2009-2012

80. Pursuant to financial regulation 12.1, the eighteenth Meeting of States Parties appointed BDO Deutsche Warentreuhand AG as the Tribunal's auditor for the financial periods 2009-2010 and 2011-2012 (see SPLOS/184, para. 51).

F. International Public Sector Accounting Standards

81. During the period under review, the Committee on Budget and Finance was informed that the implementation of the International Public Sector Accounting Standards by the United Nations had been deferred until 2012. The matter will be considered at a later date in the light of experience gained from its introduction within the United Nations system.

G. Trust funds and donations

82. On the basis of General Assembly resolution 55/7, a voluntary trust fund has been established by the Secretary-General to assist States in the settlement of disputes by the Tribunal. According to information provided by the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat, contributions to the trust fund were made by the Governments of the United Kingdom of Great Britain and Northern Ireland and Finland, and financial statements of the trust fund showed a balance of $140,997.74 as at 31 December 2009.

83. In 2004, the Korea International Cooperation Agency (KOICA) provided a grant for funding the participation of interns from developing countries in the internship programme of the Tribunal. In 2007, the Nippon Foundation provided a grant for funding the participation of five fellows in a capacity-building and training programme on dispute settlement under the Convention. Trust funds have been established by the Registrar for the purposes of these grants pursuant to regulation 6.5 of the Financial Regulations of the Tribunal.

84. At its twenty-eighth session, the Tribunal gave further consideration to a proposal for the establishment of "a trust fund for training in law of the sea and

maritime fields". The object of the fund is to give financial assistance for participation in the Tribunal's internship programme and the summer academy to applicants from developing countries as identified on the list published by the Organization for Economic Cooperation and Development as well as to cover expenses incurred with respect to the implementation of the programme. Following consideration of the matter, the Tribunal adopted the terms of reference of the fund and authorized the Registrar to establish a "Trust fund for the law of the sea", pursuant to article 6.5 of the Financial Regulations of the Tribunal. It will be noted that, pursuant to the Statute, contributions to the fund may be made by States, intergovernmental institutions and organizations, international financial institutions, national institutions, non-governmental organizations and natural or juridical persons.

XIV. Administrative matters

A. Staff Regulations and Staff Rules

85. During the period under review, in the light of the recommendation of the Committee on Staff and Administration, the Tribunal took note of the proposed amendments to the Staff Rules concerning pensionable remuneration for staff in the Professional and higher categories. Pursuant to regulations 12.2, 12.3 and 12.4 of the Staff Regulations, the amendments to the Staff Rules entered into full force and effect on 1 January 2010.

86. At its twenty-eighth session, the Tribunal approved the recommendation of the Committee on Staff and Administration to opt for the United Nations Appeals Tribunal in the matter of administrative disputes and requested the Registry to inform the United Nations accordingly.

B. Staff recruitment

87. By the end of 2009, recruitment for the post of Translator/Reviser-Head of Linguistic Services (P-5 level) and Head of Budget and Finance (P-4) and Finance Assistant (G-5) was in progress. A list of the staff members of the Registry as at 31 December 2009 is contained in annex I to the present report.

88. Temporary personnel were recruited to assist the Tribunal during its twenty-seventh and twenty-eighth sessions.

89. The Registry consists of 37 staff members, of whom 17 are in the Professional and higher categories. The recruitment of staff members in the Professional category, excluding language staff, is subject to the principle of equitable geographical distribution in accordance with regulation 4.2 of the Staff Regulations. This regulation provides that:

> The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Taking into account the small number of staff in the Registry of the Tribunal, a flexible regional approach has been followed in this regard.

90. The Tribunal has taken steps to ensure that vacancy announcements are disseminated in order to recruit staff on as wide a geographical basis as possible. The information on vacancies is transmitted to the embassies of the States parties to the Convention in Berlin and to the permanent missions in New York. The information is also posted on the Tribunal's website and published in the press.

91. Since the last Meeting of States Parties in June 2009, the Tribunal has recruited a staff member for the post of Head of Budget and Finance (P-4). The staff member is from Honduras.

92. The Tribunal applies, mutatis mutandis, the recruitment procedures followed by the United Nations. In accordance with those procedures, geographical distribution does not apply to the recruitment of General Service staff of the Tribunal. However, the Tribunal has also made efforts to recruit General Service staff on as wide a geographical basis as possible.

C. Staff pension committee

93. Further to the proposal of the Tribunal, the sixteenth Meeting of States Parties decided that a staff pension committee should be established with the following composition: (a) one member and one alternate member to be chosen by the Meeting for a term of office of two years; (b) one member and one alternate member to be appointed by the Registrar for a term of office of two years; and (c) one member and one alternate member to be elected by the staff for a term of office of two years. The staff pension committee held its first meeting on the Tribunal's premises on 9 December 2009 at the invitation of Doo-young Kim, Deputy Registrar of the Tribunal. The committee elected Abdoul Aziz Ndiaye (Embassy of Senegal in Berlin) as its president. Suzette Suarez, Assistant Legal Officer at the Registry, was designated secretary.

D. Language classes at the Tribunal

94. English and French classes for Registry staff members were held in 2009.

E. Internship programme

95. The internship programme of the Tribunal was established in 1997. In 2004 the Korea International Cooperation Agency (KOICA) grant was set up to assist applicants from developing countries in covering the costs incurred by participating in the Tribunal's internship programme. As at the end of 2009, a total of 212 interns from 69 States had participated in the programme, with 77 interns benefiting from funding from the KOICA grant.

96. During 2009, 16 persons from 15 different countries served periods of internship at the Tribunal. A list of the interns is contained in annex II to the present report.

97. An information sheet and the application form for the programme can be obtained from the Registry or from the Tribunal's website: www.itlos.org (English) or www.tidm.org (French). During its twenty-eighth session, the Tribunal decided to establish a "Trust fund for the law of the sea" intended to encourage the participation of nationals of developing countries in the Tribunal's internship programme and the summer academy.

F. Capacity-building and training programme

98. In 2009, for the third time, a capacity-building and training programme on dispute settlement under the Convention was conducted with the support of the Nippon Foundation. The Nippon Foundation Grant was set up in 2007 to provide capacity-building and training to fellows and assist them in covering the costs incurred by participating in the programme. In 2009, participants attended lectures on topical issues related to the law of the sea and maritime law and training courses on negotiation and delimitation. They also visited institutions working in the fields of law of the sea, maritime law and settlement of disputes, including the United Nations, the International Maritime Organization, the International Court of Justice and the International Oil Pollution Compensation Funds. At the same time, participants carried out individual research on selected topics.

99. Nationals of the Bahamas, Fiji, Georgia, India and Sierra Leone participated in the 2009-2010 programme (July 2009-March 2010). A list of fellows is contained in annex III to the present report.

XV. Visits

A. Official visit by a Head of State

100. On 15 October 2009, H.E. Pedro Verona Pires, President of Cape Verde, paid an official visit to the Tribunal. He was received by the President of the Tribunal and the Deputy Registrar and had a private meeting with the President of the Tribunal. Mr. Verona Pires was accompanied by a delegation which included the Minister for Foreign Affairs of Cape Verde and the Ambassador of Cape Verde to Germany. The text of the press release issued on the occasion of this official visit can be found on the Tribunal's website at www.itlos.org.

B. Other visits

101. On 23 September 2009, on the occasion of a visit to the Tribunal by Nii Odunton, Secretary-General of the International Seabed Authority, accompanied by Michael Lodge, Legal Counsel of the Authority, the Secretary-General met with members of the Tribunal. During the period under review, the President, the Registrar and the Deputy Registrar received a large number of visitors, in particular diplomats, members of judicial authorities and senior officials, researchers, academics, lawyers and members of the legal profession.

XVI. Buildings and electronic systems

A. Requirements for the permanent premises

102. During the twenty-seventh and twenty-eighth sessions of the Tribunal, the Registrar presented reports on building arrangements, including the extension of the cooling system; the use of the Tribunal's premises; the development of electronic systems, such as the wireless network and new e-mail system; courtroom technology and security; and maintenance and updating of electronic systems. The reports were reviewed by the Committee on Buildings and Electronic Systems.

B. Use of the premises and public access

103. The following events were organized on the premises of the Tribunal during 2009:

(a) Maritime talks on piracy organized by the International Foundation for the Law of the Sea (24 April 2009);

(b) Media training for the Führungsakademie (28 April 2009);

(c) Conference on the United Nations International Year of Reconciliation, organized by the Baltic Sea Forum (13 May 2009);

(d) Annual conference of the Young Maritime Lawyers' Association, organized by the German members of the Association (5 June 2009);

(e) Training workshop for staff representatives organized by the Federation of International Civil Servants' Associations, International Tribunal for the Law of the Sea and the Trades Unions Congress (17-19 June 2009);

(f) Seminar on recent developments of the law of the sea (9-10 July 2009);

(g) International Foundation for the Law of the Sea guest lecture on "Shipping: crisis and perspectives" (14 August 2009);

(h) Symposium on illegal fisheries organized by the International Foundation for the Law of the Sea (26 September 2009);

(i) Conference on arbitration in insurance, organized by ARIAS Europe (12-13 October 2009);

(j) Media training for the Führungsakademie (13 October 2009);

(k) Conference on the topic "How to handle import containers safely", organized by the Central Institute for Occupational and Maritime Medicine (11 November 2009);

(l) Meeting of the Europäisches und Internationales Arbeits-und Sozialrecht Arbeitsgruppe im Deutschen Arbeitsgerichtsverband e.V. (27-28 November 2009).

104. In addition, the premises of the Tribunal were visited by approximately 800 people during organized tours in 2009.

XVII. Library facilities and archives

105. During the twenty-seventh and twenty-eighth sessions, the Registrar reported on several matters pertaining to the Library, including the collections, the online databases and the bibliography. He also presented reports on the archive and document centre at the Tribunal, including the archival databases and mobile exhibition.

106. A list of donors to the Library is contained in annex IV to the present report.

XVIII. Publications

107. The status of the Tribunal's publications was reviewed by the Committee on Library, Archives and Publications during the twenty-seventh and twenty-eighth sessions of the Tribunal.

108. During the period under review, the following volumes were published:

(a) *ITLOS Yearbook 2008, TIDM Annuaire 2008*;

(b) *ITLOS Pleadings, Minutes of Public Sittings and Documents 2002, vol. 10*;

(c) *ITLOS Pleadings, Minutes of Public Sittings and Documents 2003, vol. 11*.

XIX. Public relations

109. During the twenty-seventh and twenty-eighth sessions, the Committee on Public Relations gave consideration to a set of measures to provide information on the work of the Tribunal, including the organization of regional workshops, dissemination of information on the Tribunal and participation of Tribunal representatives in international legal meetings.

XX. Regional workshops

110. The Tribunal has planned a series of workshops on the settlement of disputes related to the law of the sea in different regions of the world, in cooperation with KOICA and the International Foundation for the Law of the Sea. The purpose of the workshops is to provide government experts working in the maritime field with insight into the procedures for the settlement of disputes contained in Part XV of the Convention, with special attention given to the jurisdiction of the Tribunal and the procedures for bringing cases before it.

111. During 2009, two workshops were held:

(a) In Putrajaya, Malaysia, from 17 to 20 August 2009, organized by the Tribunal with the cooperation of the Government of Malaysia and the Asian-African Legal Consultative Organization during the latter's forty-eighth session;

(b) In Cape Town, South Africa, from 7 to 9 October 2009, organized by the Tribunal with the cooperation of the Government of South Africa, the Friedrich

Ebert Foundation and the International Foundation for the Law of the Sea, on the settlement of disputes relating to the law of the sea in Southern Africa. The workshop was aimed at representatives from countries in the Southern African Development Community.

XXI. Summer academy

112. The International Foundation for the Law of the Sea held the third summer academy at the Tribunal's premises from 26 July to 23 August 2009, on the subject "Uses and protection of the sea: legal, economic and natural science perspectives". Twenty-eight participants from 19 countries attended lectures on issues relating to the law of the sea and maritime law. The lectures were given by judges, experts, practitioners, representatives of international organizations and scientists. The participation of 23 students from developing countries was ensured through grants offered by KOICA and the Nippon Foundation.

XXII. Public information and website

113. The Tribunal publicized its work by means of its website, press releases and briefings by the Registry and distribution of its judgments, orders and publications.

114. The website can be accessed at www.itlos.org and www.tidm.org. The texts of the judgments, orders and verbatim records of hearings of the Tribunal are available on the website, together with other information about the Tribunal.

115. In 2009, judges and staff members of the Registry also delivered lectures and published papers on the work of the Tribunal.

XXIII. Future work

116. The Tribunal decided to hold its twenty-ninth session from 8 to 19 March 2010 to deal with legal matters having a bearing on the judicial work of the Tribunal and other organizational and administrative matters. It further decided that the thirtieth session would be held from 20 September to 1 October 2010.

Annex I

Information on staff (2009)

Professional and higher categories

Name	*Title*	*Country of nationality*	*Level of post*	*Level of incumbent*
Gautier, Philippe	Registrar	Pelgium	ASG	ASG
Kim, Doo-young	Deputy Registrar	Republic of Korea	D-2	D-2
Nagayoshi, Noriko	Chief of Administration	Japan	P-5	P-5
Vacant	Head of Linguistic Services		P-5	
Savadogo, Louis	Legal Officer	Burkina Faso	P-4	P-4
Hinrichs, Ximena	Legal Officer	Chile	P-4	P-4
Guy, Pauline	Translator/Reviser (English)	United Kingdom	P-4	P-4
Vacant	Head of Budget and Finance		P-4	
Mizerska-Dyba, Elzbieta	Librarian	Poland	P-4	P-4
Gbadoe, Alfred	Information Technology Officer	Germany	P-3	P-3
Gaba Kpayedo, Kafui	Administrative Officer (Support/Building Management)	Togo	P-3	P-3
Füracker, Matthias	Legal Officer	Germany	P-3	P-3
Rostan, Jean-Luc	Translator (French)	France	P-3	P-3
Suarez, Suzette	Associate Legal Officer	Philippines	P-2	P-2
Cummings, Philippa	Archivist	Canada	P-2	P-2
Ritter, Roman	Associate Administrative Officer (Contributions/Budget)	Germany	P-2	P-2
Ritter, Julia	Press Officer	United Kingdom	P-2	P-2

Total posts: 17

General Service

Name	*Title*	*Country of nationality*	*Level of post*	*Level of incumbent*
Prieto, Luis	Computer Systems Assistant	Spain	G-7	G-7
Vorbeck, Antje	Administrative Assistant (Personnel)	Germany	G-7	G-7
Bothe, Andreas	Building Coordinator	Germany	G-7	G-7
Egert, Anke	Publications/Personal Assistant (Registrar)	Germany	G-7	G-7
Winkelmann, Jacqueline	Administrative Assistant (Procurement)	Germany	G-7	G-7
Becker, Martine	Linguistic Assistant/Judiciary Support	France	G-6	G-6
Nas, Ellen	Personal Assistant (President)	Netherlands	G-6	G-6
Albiez, Berit	Linguistic Assistant/Judiciary Support	Germany	G-6	G-6
Hartmann-Vereshchak, Svitlana	Finance Assistant	Ukraine	G-6	G-6
Naegler, Thorsten	Administrative Assistant (Contributions)	Germany	G-6	G-5
Sadler, Gerardine	Administrative Assistant	Singapore	G-5	G-5
Bartlett, Emma	Personnel Assistant	United Kingdom	G-5	G-5
Borchert, Anne-Charlotte	Personal Assistant (Deputy Registrar)	France	G-5	G-5
Heim, Svenja	Library Assistant	Germany	G-5	G-5
Karanja, Elizabeth	Conference/Documentation Assistant	Kenya	G-4	G-4
Vacant	Finance Assistant (Accounts Payable)		G-5	
Duddek, Sven	Senior Security Officer/Building Superintendent	Germany	G-4	G-4
Marzahn, Inga	Receptionist/Administrative Support	Germany	G-4	G-4
Ntinugwa, Chuks	Security Officer/Driver	Germany	G-3	G-3
Aziamble, Papagne	Security Officer/Driver	Togo	G-3	G-3

Total posts: 20

Annex II

Information on interns (2009)

Name	*State*	*Period*
Bahri, Souheib[a]	Tunisia	July-September
Ben Hachem, Hachem[a]	Morocco	April-June
Biaou Etienne, Valentin[a]	Benin	July-September
Bozhko, Viacheslav	Russian Federation	July-September
Calloway, Keelah Rose	United States of America	July-August
Channing, James[a]	Chile	January-March
Cheung, Heejeong	Republic of Korea	January-March
Deloge, Vivien	France	April-June
Espenilla, Jacqueline[a]	Philippines	April-June
Fastus, Lisa	Germany	January-March
Heckler, Gabriela[a]	Brazil	April-June
Leabo, Siami[a]	Côte d'Ivoire	January-March
Li, Chan[a]	China	April-June
Mohiuddin, Mohammad[a]	Bangladesh	April-June

[a] Interns receiving KOICA funding.

Annex III

Information on Nippon fellows (2009-2010)

Name	*Country*	*Period*
Agarwal, Sunil Kumar	India	1 July 2009-31 March 2010
Bai, Gene W.	Fiji	1 July 2009-31 March 2010
Bodaveli, Valerian	Georgia	1 July 2009-31 March 2010
Osman Keh, Kamara	Sierra Leone	1 July 2009-31 March 2010
E. Lam, Kimberley	Bahamas	1 July 2009-31 March 2010

Annex IV

List of donors to the Library of the International Tribunal for the Law of the Sea (2009)*

Alex G. Oude Elferink, Netherlands

Asociación Argentina de Derecho Internacional, Córdoba, Argentina

Association for International Law and International Relations, Bucharest

Bundesamt für Seeschifffahrt und Hydrographie, Hamburg and Rostock, Germany

Bundesforschungsanstalt für Fischerei, Hamburg, Germany

Centre de droit maritime et océanique, Faculté de Droit et des Sciences Politiques, Unversité de Nantes, Nantes, France

Comité Maritime International, Antwerp, Belgium

Division for Ocean Affairs and the Law of the Sea, United Nations, New York

European Commission, Directorate-General for Fisheries, Brussels, Belgium

European Commission, Office of Publications, Luxembourg

European Court of Human Rights, Strasbourg, France

Food and Agriculture Organization of the United Nations, Rome

Germanischer Lloyd, Hamburg, Germany

Inter-American Court of Human Rights, San José

Inter-American Tropical Tuna Commission, La Jolla, California, United States of America

International Court of Justice, The Hague, Netherlands

International Labour Office, Geneva

International Maritime Organization, London

International Oil Pollution Compensation Funds, London

International Seabed Authority, Kingston, Jamaica

International Union for Conservation of Nature and Natural Resources, Gland, Switzerland

International Whaling Commission, Cambridge, United Kingdom

Japan Branch of the International Law Association, Faculty of Law, University of Tokyo

Jan Tulácek and Alexander J. Belohlávek, Linde Praha akciová spolecnost, Prague

Mare, The Journal of the Seas, Hamburg, Germany

Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany

* As at 31 December 2009.

Cezary Mik, Director, Institute of International Law, University of Cardinal Stefan Wyszynski, Warsaw

Northwest Atlantic Fisheries Organization, Dartmouth, Canada

Peace Palace Library, The Hague, Netherlands

Permanent Court of Arbitration, The Hague, Netherlands

Peter Wetterstein, Finland

United Nations Development Programme, New York

Vrije Universiteit, Faculteit der Rechtsgeleerdheid, Amsterdam

Walther Schücking Institute for International Law, Kiel University, Kiel, Germany

World Meteorological Organization, Geneva

World Trade Organization, Geneva

United Nations Convention on the Law of the Sea SPLOS/205

Meeting of States Parties

Distr.: General
30 March 2010

Original: English

Twentieth Meeting
New York, 18-22 June 2010

Report on budgetary matters for the financial periods 2007-2008 and 2009-2010

Presented by the Registrar

I. Surrender of cash surplus for the financial period 2007-2008

A. Introduction

1. In June 2009, the nineteenth Meeting of States Parties took note of the report of the external auditor for the financial period 2007-2008 (SPLOS/192), which had been submitted to the Meeting by the International Tribunal for the Law of the Sea (see SPLOS/203, para. 36). According to the report of the auditor, the excess of income over expenditures as at 31 December 2008 amounted to €3,013,669. As explained in the report on budgetary matters for the period 2007-2008 (see SPLOS/193, paras. 2 and 3), the performance can largely be explained by the savings, amounting to €1,850,081, under "Case-related costs". These savings were achieved owing to the fact that two cases, namely Case No. 14 (*Hoshinmaru*) and Case No. 15 (*Tomimaru*), were submitted simultaneously in July 2007 and were dealt with within a period of one month in accordance with the relevant provisions of the Rules of the Tribunal (instead of two months had the cases been filed separately). Furthermore, in 2008, no new case was submitted to the Tribunal, which resulted in additional savings under "Case-related costs".

2. Under "Staff costs", savings amounting to €295,165 were made largely owing to vacant positions in the Registry during the period in question. Furthermore, savings amounting to €232,696 were also made in the budget section "Judges", principally because five judges had been re-elected in June 2008, while, in the budget approved in 2006, provision had been made for additional pension payments for the seven judges whose terms of office came to an end on 30 September 2008. It should further be pointed out that an amount of €50,568 was saved under the budget line "Judges' annual allowances" owing to the resignation of one judge and the death of another during the period in question.

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B. Provisional cash surplus

3. Under regulation 4.4 of the Financial Regulations, the provisional cash surplus is determined by establishing the balance between credits (assessed contributions actually received and miscellaneous income received) and charges (disbursements against appropriations and provisions for unliquidated obligations). The balance of €3,013,669 reflects the excess of income over expenditures for the financial period 2007-2008. Pursuant to regulation 4.3 of the Financial Regulations, the amount of unpaid contributions should be deducted from this balance.

4. On this basis, the provisional cash surplus for the financial period 2007-2008 was determined as being €2,673,760. This amount is contained in the audit report of the financial statement of the Tribunal for the financial period 2007-2008 (see SPLOS/192) as follows:

Credit (€17,751,702) — charges (€14,738,033)	€3,013,669
Cancellation of the 2005-2006 obligations surrendered with the 2005-2006 cash surplus	- €107,160
Unpaid contributions	- €232,749
Provisional cash surplus	€2,673,760

C. Cash surplus

5. Under regulation 4.4 of the Financial Regulations, the cash surplus is determined by crediting to the provisional cash surplus any arrears of prior periods' contributions received during the financial period and any savings from the provisions made for unliquidated obligations for the financial period.

6. It should be noted that an amount of €784,136, forming part of the cash surplus for the financial period 2007-2008, has already been surrendered and deducted from the assessed contributions of the States parties for 2010 in accordance with the decision taken by the nineteenth Meeting of States Parties (see SPLOS/203, para. 43). On this basis, the cash surplus for the financial period 2007-2008 amounted to €2,121,150 as at 31 December 2009. In addition, the nineteenth Meeting of States Parties authorized the Tribunal to use part of the cash surplus from the 2007-2008 budget to finance an additional appropriation required to implement the new salary system for the members of the Tribunal for the period 1 July 2009 to 31 December 2010 (see SPLOS/200, para. 3). This additional appropriation amounting to €207,450 has also been deducted from the cash surplus for the financial period 2007-2008. On this basis the amount to be surrendered to the States parties as determined by the Registrar amounted to €1,913,700.

7. The cash surplus, as determined in paragraph 6, was reviewed by the auditor on 16 February 2010. The auditor certified that the cash surplus for the 2007-2008 financial period as at 31 December 2009 amounted to €2,121,150 (see annex I to the present report).

D. Surrender of cash surplus

8. Under regulation 4.5, the cash surplus will be surrendered as follows:

(a) *Apportionment of cash surplus*

The cash surplus, determined as outlined above, will be apportioned among the States parties in proportion to their contributions as determined for the financial period 2007-2008, to which the surplus relates.

(b) *Surrender of cash surplus*

The cash surplus for the financial period 2007-2008 thus apportioned to the States parties will:

(i) Be surrendered to the States parties, provided that their contribution for the financial period 2007-2008 has been paid in full; and

(ii) Be applied to liquidate first, in whole or in part, any arrears in contributions.

(c) *Retention of cash surplus apportioned but not surrendered*

Any cash surplus apportioned to the States parties but not surrendered owing to non-payment or partial payment of the contribution for the financial period in question will be retained by the Registrar until such time as the contribution for that financial period is paid in full.

9. In accordance with regulation 4.5 of the Financial Regulations, the Tribunal decided on 18 March 2010 that an amount of €1,913,700 would be surrendered and deducted from the contributions of States parties for 2011 and for earlier financial periods where applicable.

II. Provisional performance report for 2009

10. In June 2008, the eighteenth Meeting of States Parties approved a budgetary amount of €17,515,100 for the financial period 2009-2010 (SPLOS/180, para. 1). In addition, in June 2009, the nineteenth Meeting of States Parties authorized the Tribunal to use part of the cash surplus from the 2007-2008 budget to finance an additional appropriation required to implement the new salary system for the members of the Tribunal for the period from 1 July 2009 to December 2010 (see SPLOS/200, para. 3). This additional appropriation amounts to €207,450.

11. Attached as annex II is the performance report for the year 2009, which is provisional since it concerns the first year (2009) of the 2009-2010 biennium budget.

12. As shown in the provisional performance report for 2009, the total expenditure for that year stands provisionally at €7,294,856, representing 82.65 per cent of the appropriations in the amount of €8,826,700 approved for 2009. The underperformance can largely be explained by the savings, amounting to €1,268,460, under "Case-related costs". It may be noted that, if the case-related costs (€1,298,035) were excluded, the performance rate for other costs would be 96.50 per cent.

III. Report on action taken pursuant to the decisions concerning budgetary matters for the financial period 2007-2008 taken by the nineteenth Meeting of States Parties

Surrender of part of the cash surplus for the financial period 2007-2008

13. On the proposal of the President of the Tribunal, the nineteenth Meeting of States Parties decided in June 2009 that the amount of €784,136, corresponding to a part of the cash surplus for the financial period 2007-2008, would be surrendered and deducted from the assessed contributions of the States parties for 2010 (see SPLOS/203, para. 43).

14. In accordance with that decision, €784,136 was surrendered and deducted from the assessed contributions of the States parties to the 2010 budget of the Tribunal.

IV. Report on action taken pursuant to the decision concerning adjustment of the remuneration of members of the Tribunal

A. Financing of an additional appropriation required to implement the new salary system for the members of the Tribunal

15. The nineteenth Meeting of States Parties decided to set, effective 1 July 2009, the annual net base salary of the members of the Tribunal at $161,681, with a corresponding post adjustment multiplier equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for Hamburg (see SPLOS/200, para. 1).

16. In this regard, the Meeting authorized the Tribunal to use part of the cash surplus from the 2007-2008 budget to finance an additional appropriation required to implement the new salary system for the members of the Tribunal for the period from 1 July 2009 to 31 December 2010 (see SPLOS/200, para. 3).

17. Following the above decision and authorization, the Tribunal added to the appropriations approved in June 2008 for 2009-2010 an amount of €207,450 from the cash surplus for the financial period 2007-2008. As a result, the appropriations approved for 2009-2010 were revised from €17,515,100 (see SPLOS/180) to €17,722,550.

B. Revision of the Pension Scheme Regulations for members of the Tribunal

18. The nineteenth Meeting of States Parties decided that a member of the Tribunal who is re-elected should receive one three-hundredth of his or her retirement benefit for each further month beyond nine years, up to a maximum two thirds of the annual net base salary, excluding post adjustment.

19. In this regard, the Meeting requested the Tribunal to make the necessary revisions to article 1, paragraph 2, of the Pension Scheme Regulations for members of the International Tribunal for the Law of the Sea.

20. Pursuant to the above decision, the Tribunal revised article 1, paragraph 2, of the Pension Scheme Regulations on 2 October 2009 as follows:

> Article 1. Retirement pension
>
> Paragraph 2
>
> Subparagraph (a)
>
> For the words "nine or more years", read "nine years".
>
> At the end of the subparagraph, after the expression "one half of the annual salary", insert "(excluding post adjustment) or one half of the annual salary based upon the level of the remuneration decided by the fifteenth Meeting of States Parties in June 2005, whichever amount is higher".
>
> A new subparagraph (b) is inserted, which reads as follows: "If the member has served for more than nine years, he/she shall receive one three-hundredth of his or her retirement benefit for each further month beyond nine years, up to a maximum pension of two thirds of the amount of the annual net base salary (excluding post adjustment)."
>
> The current subparagraph (b) is re-numbered subparagraph (c).

The revised article 1, paragraph 2, reads as follows:

> The amount of the retirement pension shall be determined as follows:
>
> (a) If the member has served nine years, the amount of the annual pension shall be one half of the annual salary (excluding post adjustment) or one half of the annual salary based upon the level of the remuneration decided by the fifteenth Meeting of States Parties in June 2005, whichever amount is higher;
>
> (b) If the member has served for more than nine years, he/she shall receive one three-hundredth of his or her retirement benefit for each further month beyond nine years, up to a maximum pension of two thirds of the amount of the annual net base salary (excluding post adjustment);
>
> (c) If he/she has served for less than nine years, the amount of the pension shall be that proportion of the annual pension which the number of months of his/her actual service bears to 108.

V. Report on action taken pursuant to the Financial Regulations of the Tribunal

A. Investment of funds of the Tribunal

21. In respect of the investment of funds of the Tribunal, regulation 9 of the Financial Regulations of the Tribunal stipulates the following:

> 9.1 The Registrar may make prudent short-term investments of moneys not needed for immediate requirements and shall inform the Tribunal and the Meeting of States Parties periodically of such investments.
>
> [...]

9.2 Income derived from investments shall be credited to miscellaneous income or as provided in the rules relating to each fund or account.

22. During 2009, the Tribunal's funds were kept in Chase Bank and Deutsche Bank in United States dollars and euros as short-term investments, which are investments made for less than 12 months according to rule 109.1 of the Financial Rules of the Tribunal. The funds yielded interest amounting to €64,349 during 2009. This earned interest has been credited as miscellaneous income in accordance with regulation 9.2 of the Financial Regulations of the Tribunal.

B. The Korea International Cooperation Agency trust fund

23. The Korea International Cooperation Agency (KOICA) offered to provide a grant of $150,000 pursuant to a memorandum of understanding signed between the Tribunal and KOICA on 9 March 2004. Its object is to finance the expenses of participants from developing countries in the Tribunal's internship programme.

24. In accordance with regulation 6.5 of the Financial Regulations of the Tribunal, a trust fund was subsequently established and a special euro bank account named "KOICA grant" was set up with Deutsche Bank for this purpose. When the funds, amounting to $150,000, were received from KOICA in March 2004 they were converted into €120,600 on the basis of the exchange rate of 0.804 fixed by the United Nations for March 2004.

25. In March 2006, the Tribunal received from KOICA its second contribution to the KOICA trust fund, in the amount of $100,000. This amount was converted into €84,400 on the basis of the exchange rate of 0.844 fixed by the United Nations for March 2006.

26. Following the signing of additional memorandums of understanding between the Tribunal and KOICA, further contributions totalling €422,045 were received between 2007 and 2009. An amount of €213,645 was paid to the Tribunal in February 2007, €128,400 on 5 May 2008 and €80,000 on 16 June 2009 in order to finance the internship programme of the Tribunal, the organization of regional workshops and the participation of students from developing countries in the summer academy organized by the International Foundation for the Law of the Sea.

27. The performance of the KOICA grant as at 31 December 2009, which is to be reported to the Meeting of States Parties in accordance with regulation 6.5 of the Financial Regulations of the Tribunal, is as follows (in euros):

Contribution 16 June 2009	80 000
Interest income	11
Total	**80 011**
Expenditure on participants and authorized activity	-62 784
Bank charges	-188
Account receivable	-1 178
Reserves from prior periods	70 686

Investment of funds	-50 000
Bank balance	**36 547**
Investment of funds	50 000
Available balance	**86 547**

C. Nippon Foundation trust fund

28. In March 2007, the Tribunal and the Nippon Foundation signed "The Nippon Foundation grant agreement". Pursuant to the agreement, the Nippon Foundation agreed to contribute an amount of €200,000 to "The Nippon Foundation — International Tribunal for the Law of the Sea Capacity-Building and Training Programme on Dispute Settlement under the United Nations Convention on the Law of the Sea".

29. In accordance with regulation 6.5 of the Financial Regulations of the Tribunal, a trust fund was subsequently established and a special euro bank account named "Nippon Foundation grant" was set up with Deutsche Bank. The purpose of the grant is to finance the expenses of participants from developing countries in the aforementioned programme.

30. The second contribution of €200,000 was made to the Tribunal on 27 March 2008 and the third one, in the same amount, on 27 March 2009. The performance of the Nippon Foundation grant as at 31 December 2009, which is to be reported to the Meeting of States Parties in accordance with regulation 6.5 of the Financial Regulations of the Tribunal, is as follows (in euros):

Contribution 27 March 2009	200 000
Interest income	26
Total	**200 026**
Expenditure on participants and authorized activity	-188 294
Bank charges	-413
Account receivable	-4 880
Loss on exchange	-60
Investment of funds	-125 000
Prior periods reserves	140 123
Bank balance	**21 502**
Unliquidated obligations	-1 635
Investment of funds	125 000
Available balance	**144 687**

D. Trust Fund for the law of the sea

31. At its twenty-eighth session, the Tribunal approved the Registrar's proposal to establish a new trust fund for the law of the sea and decided to bring it to the Meeting of States Parties for its consideration in accordance with regulation 6.5 of the Financial Regulations of the Tribunal. Pursuant to the approval of the Tribunal the Registrar has established a new trust fund for the law of the sea with the Deutsche Bank in Hamburg.

32. As provided for in its terms of reference (see annex III), the Trust Fund is intended to promote the advancement of human resources in developing countries in law of the sea and maritime affairs in general. Contributions to be made to the Trust Fund will be used to give financial assistance for participation in the Tribunal's internship programme and the summer academy to applicants from developing countries. States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions as well as natural and juridical persons are invited to make voluntary financial or other contributions to the Trust Fund.

Annex I

Letter dated 18 February 2010 from BDO Deutsche Warentreuhand to the Registrar of the International Tribunal for the Law of the Sea

Certification of the cash surplus for the financial period 2007/2008 of the International Tribunal for the Law of the Sea

The International Tribunal for the Law of the Sea (referred to as the "Tribunal" in the following) assigned us to examine the cash surplus of the Tribunal for the financial period 2007-2008.

The determination of the cash surplus according to the Financial Regulations of the Tribunal is the responsibility of the Registrar of the Tribunal. Our responsibility is to examine if the cash surplus is determined according to the Financial Regulations of the Tribunal.

Based on our examination the attached cash surplus of the Tribunal for the financial period 2007-2008 (appendix I) amounts to €2,121,150 and was determined in conformity with the Financial Regulations of the Tribunal.

In accordance with the decision of the nineteenth Meeting of States Parties (SPLOS/200) an amount of €207,450 is to be deducted from the cash surplus 2007-2008 to finance an additional appropriation required to implement the new salary system for the members of the Tribunal for the period 1 July 2009 to 31 December 2010. The final amount to be surrendered to the States parties amounts to €1,913,700.

For the performance of the assignment and our responsibility — including those to third parties — the general terms of assigament for auditors and audit companies as of 1 January 2002 as well as the special conditions for the increase of liability in connection with the general terms of assignment are applicable. These terms are attached in appendix II.

(*Signed*) Dirk **Beecker**
Wirtschaftsprüfer

(*Signed*) Gunnar **Raif**
Wirtschaftsprüfer

Appendix I

International Tribunal for the Law of the Sea: cash surplus for the financial period 2007-2008

Provisional cash surplus, 31 December 2008	
Excess of income over expenditure 2007-2008	3 013 669
Cancellation of 2005-2006 obligations surrendered with 2005-2006 cash surplus	-107 160
Contributions receivable from States parties with respect to 2007-2008	-232 749
Provisional cash surplus 2007-2008	**2 673 760**
Cash surplus, 31 December 2009	
Surrender of savings in accordance with SPLOS/203	-784 136
Prior periods' contributions received in 2009	158 813
Savings from 2007-2008 obligations	72 713
Cash surplus 2007-2008, 31 December 2009	**2 121 150**
Additional appropriations, SPLOS/194	-207 450
Funds to be surrendered	**1 913 700**

Appendix II

General engagement terms for Wirtschaftsprüfer and Wirtschaftsprüfungsgesellschaften [German Public Auditors and Public Audit Firms] as of 1 January 2002

[For the text of appendix II, see SPLOS/175, annex I, appendix II.]

Annex II

Provisional performance report, 2009

	Part Section	Objects of expenditure	2009 approved budget	2009 expenditure (as at 12/02/2010)	Balance	Total expenditure/ approved budget (percentage)	Additional appropriation 2009[a]	
1	A	**RECURRENT EXPENDITURE**						1
2	1	**Judges**	**2 216 700**	**2 170 982**	**45 718**		**53 465**	2
3		Annual allowances	1 357 850	1 387 007	-29 157	102.15	47 694	3
4		Special allowances	394 300	359 089	35 211	91.07	5 771	4
5		Travel to session	133 800	103 332	30 468	77.23	0	5
6		Judges' pension scheme	293 550	313 725	-20 175	106.87	0	6
7		Common costs	37 200	7 829	29 371	21.05	0	7
8	2	**Staff costs**	**3 527 300**	**3 463 117**	**64 183**		**0**	8
9		Established posts	2 310 000	2 290 842	19 158	99.17	0	9
10		Common staff costs	995 950	998 466	-2 516	100.25	0	10
11		Reimbursement of national taxes	0	0	0	0.00	0	11
12		Overtime	19 500	14 278	5 222	73.22	0	12
13		Temporary assistance for meetings	105 250	92 750	12 500	88.12	0	13
14		General temporary assistance	60 550	40 936	19 614	67.61	0	14
15		Training	36 050	25 845	10 205	71.69	0	15
16	3	**Representation allowance**	**5 000**	5 483	**-483**	109.66	**0**	16
17	4	**Official travel**	**92 650**	100 734	**-8 084**	108.73	**0**	17
18	5	**Hospitality**	**6 950**	4 454	**2 496**	64.09	**0**	18
19	6	**Operating expenditures**	**1 385 700**	**1 321 990**	**63 710**		**0**	19
20		Maintenance of premises (incl. security)	1 016 550	1 014 218	2 332	99.77	0	20
21		Rental and maintenance of equipment	180 700	159 637	21 063	88.34	0	21
22		Communications	98 600	74 500	24 100	75.56	0	22

23		Miscellaneous services and charges (incl. bank charges)	20 600	15 025	5 575	72.94	0	23
24		Supplies and materials	61 950	58 560	3 390	94.53	0	24
25		Special services (external audit)	7 300	50	7 250	0.68	0	25
26	7	**Library and related costs**	**163 500**	**131 652**	**31 848**		**0**	26
27		Library — procurement of books and publications	117 300	111 579	5 721	95.12	0	27
28		External printing and binding	46 200	20 073	26 127	43.45	0	28
29								29
30	B	**NON-RECURRENT EXPENDITURE**						30
31	8	Furniture and equipment						31
32		Purchase of equipment	**77 400**	66 869	**10 531**	86.39	**0**	32
33	9	Alteration to premises	0	0	0	0.00		33
34								34
35	C	**CASE-RELATED COSTS**	**1 282 350**	**29 575**				35
36	10	**Judges**	**991 900**	**28 249**	**963 651**	2.85	**15 685**	36
37		Special allowances	802 000	11 442	790 558	1.43	14 518	37
38		Compensation to judges ad hoc	48 350	1 879	46 471	3.89	1 167	38
39		Travel to meetings, incl. judges ad hoc	141 550	14 928	126 622	10.55	0	39
40	11	**Staff costs**	**290 450**	**1 326**	**289 124**	0.46	**0**	40
41		Temporary assistance for meetings	267 950	594	267 356	0.22	0	41
42		Overtime	22 500	732	21 768	3.25	0	42
43	12	**Miscellaneous**	**0**	0	**0**			43
44								44
45	D	**WORKING CAPITAL FUND**	**0**	0	**0**			45
46								46
47	C	**TOTAL**	**8 757 550**	**7 294 856**	**1 462 694**	**83.30**	69 150	47

* In accordance with SPLOS/194.

Annex III

Terms of reference for the Trust Fund for the law of the sea

I. Reasons for the establishment of the Trust Fund

The objectives of the Trust Fund are:

1. To promote the advancement of human resources in developing countries in law of the sea and maritime affairs in general.

2. To advance learning and research in law of the sea and maritime affairs in developing countries.

3. To give participants from developing countries in the internship programme of the International Tribunal for the Law of the Sea ("the Tribunal") and the Summer Academy the opportunity to gain an understanding of the work and functions of the Tribunal.

II. Objects and purpose of the Trust Fund

4. The Registrar establishes the present Trust Fund ("the Fund") in accordance with the Financial Regulations of the Tribunal. The object of the Fund is to give financial assistance for participation in the Tribunal's internship programme and the summer academy to applicants from developing countries as identified on the list published by the Organization for Economic Cooperation and Development (OECD) as well as to cover expenses incurred with respect to the implementation of the programme.

III. Contributions to the Fund

5. The Tribunal invites States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions as well as natural and juridical persons to make voluntary financial or other contributions to the Fund.

IV. Application for financial assistance

6. Applications for financial assistance from the Fund may be submitted by any applicant (students and young government officials) who is a national of any developing country as identified on the list published by OECD.

V. Eligibility for financial assistance

7. Applicants for the internship programme and financial assistance from the Fund should fulfil the following criteria:

(a) Should have completed at least three years of university studies;

(b) Should normally be engaged in a degree-granting or post-graduate programme at the time of application and also during the internship programme or in government service relating to law of the sea or maritime affairs;

(c) Should generally be not more than 35 years of age;

(d) Should have a good command of English and/or French;

(e) Should have an interest in international law, in particular international law of the sea, international judicial institutions and bodies, international maritime affairs and international maritime institutions and organizations;

(f) Should be a national of a developing country included on the OECD list;

(g) Should be in need of financial assistance.

8. Applicants for the summer academy and financial assistance from the Fund should fulfil the following criteria:

(a) Should be highly qualified graduates in fields related to law of the sea and maritime affairs, including diplomats, civil servants and lawyers;

(b) Should generally be not more than 35 years of age;

(c) Should have completed a Master of Law (LL.M.) or equivalent degree;

(d) Should have advanced knowledge of the legal, economic or natural science aspects of the maritime sector;

(e) Should have a good command of English and/or French;

(f) Should be a national of a developing country included on the OECD list;

(g) Should be in need of financial assistance.

VI. Consideration of applications

9. Applications for the internship programme and financial assistance from the Fund are collected by the Internship Coordinator at the Registry of the Tribunal and forwarded on a quarterly basis to the Selection Committee, consisting of the Legal Officers, Deputy Registrar and Registrar, with a duly completed eligibility checklist and a summary of the information provided.

10. Successful applications will be approved by the President of the Tribunal upon recommendation by the Registrar on the basis of the Selection Committee's considerations.

11. Applications for the summer academy and financial assistance from the Fund are collected by the International Foundation for the Law of the Sea, which will select candidates in consultation with the Tribunal on the basis of the criteria indicated in paragraph 8 above.

12. The selection of candidates for the Tribunal's internship programme and for the summer academy also takes account of geographical distribution.

VII. Granting of assistance

13. The Registrar will provide successful candidates for the internship programme and the summer academy with financial assistance from the Fund, which will cover travel expenses, accommodation, health insurance and daily living expenses. Payments will be processed by the Tribunal in accordance with standard practice.

VIII. Application of the Financial Regulations and Rules of the Tribunal

14. The Financial Regulations and Rules of the Tribunal will apply to the administration of the Fund. The Fund will be subject to the auditing procedures provided therein.

IX. Reporting to the Meeting of States Parties

15. An annual report on the activities of the Fund, including details of contributions and disbursements from the Fund, will be made to the Meeting of States Parties.

X. Implementing office

16. The Registry of the Tribunal is the implementing office for the Fund and will provide the services required for the operation of the Fund.

XI. Revision

17. The Tribunal may revise the above if circumstances so require. Any revision must be brought to the attention of the Meeting of States Parties.